

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Criminal Action No. |
| |) | 14-00125-01-CR-W-HFS |
| MATTHEW WAYNE HARKER, |) | |
| |) | |
| Defendant. |) | |

REPORT AND RECOMMENDATION

On April 25, 2014, I sua sponte ordered that defendant undergo a competency examination. Defendant was examined by Judith Campbell, Ph.D., a Forensic Psychologist, who prepared a reported dated July 24, 2014 (document number 26).

A competency hearing was held on August 7, 2014. The government was represented by Assistant United States Attorney Teresa Moore. Defendant was present in person and represented by F. A. White, Jr. Defense counsel and government counsel stipulated to the contents and findings of Dr. Campbell's report (Tr. at 2-3).

Based on the uncontroverted evidence stipulated to by counsel in this case, I find that defendant is not competent to stand trial and assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant incompetent to stand trial and to assist in his defense. It is further

RECOMMENDED that the court commit defendant to the custody of the Attorney General for hospitalization and treatment

pursuant to 18 U.S.C. § 4241(d).

Counsel are advised that, pursuant to 28 U.S.C. § 636(b)(1), each has 14 days from the date of this report and recommendation to file and serve specific objections.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
August 12, 2014